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6	Attorneys for the United States	
7	UNITED STATES DISTRICT COURT DISTRICT OF NEVADA	
8	UNITED STATES OF AMERICA,	Case No.: 2:20-cr-00236-JCM-EJY 2:17-CR-190-JCM
10	Plaintiff,	Stipulation to Continue Waiver of
11	v.	Indictment, Plea, and Sentencing Hearing and the Revocation of
12	JOSUE GARCIA-RODRIGUEZ, aka JUAN PABLO MUNGIA-GARCIA, aka JOSUE GARCIA CHAPO,	Supervised Release Hearing
13	Defendant.	
14	2 02010/00201	
15		
16	IT IS HEREBY STIPULATED AND AGREED, by and between Nicholas A.	
17	Trutanich, United States Attorney, and Kimberly M. Frayn, Assistant United States	
18	Attorney, counsel for the United States of America, and Nisha Brooks-Whittington,	
19	Assistant Federal Public Defender, counsel for Defendant JOSUE GARCIA-	
20	RODRIGUEZ, also known as Juan Pablo Mungia-Garcia, and Josue Garcia Chapo	
21		
22	("Garcia" or "defendant"), that the Waiver of Indictment, Plea, and Sentencing Hearing in 2:17 CP.	
23	2:20-cr-00236-JCM-EJY, and the Revocation of Supervised Release Hearing in 2:17-CR-	
24	190-JCM, both currently set for October 23, 20	ozo at 10.50 a.iii. be continued to a date and

time convenient to the Court, but not sooner than 21 days from the date of the current setting in this case.

This stipulation is entered into for the following reasons:

- 1. The United States Attorney's Office has developed an early disposition program for immigration cases, authorized by the Attorney General pursuant to the PROTECT ACT of 2003, Pub. L. 108-21.
- 2. The early disposition program for immigration cases is designed to: (1) reduce the number of hearings required in order to dispose of a criminal case; (2) avoid having more cases added to the court's trial calendar, while still discharging the government's duty to prosecute federal crimes; (3) reduce the amount of time between complaint and sentencing; and (4) avoid adding significant time to the grand jury calendar to seek indictments in immigration cases, which in turn reduces court costs.
- 3. The defendant has accepted a plea offer in this case that requires defendant to waive specific rights and hearings in exchange for "fast-track" downward departure under USSG § 5K3.1 in case number 2:20-cr-00236-JCM-EJY. This same plea agreement also resolves the Petition for Supervised Release Violations pending against the defendant in 2:17-CR-190-JCM. The Waiver of Indictment, Plea, and Sentencing Hearing in 2:20-cr-00236-JCM-EJY, and the Revocation of Supervised Release Hearing in 2:17-CR-190-JCM is presently set for October 23, 2020, at 10:30 a.m.
- 4. Undersigned government counsel will be on medical leave from October 21, 2020, until at least October 28, 2020 and will be unavailable to appear at the October 23rd hearings. Defendant is in custody and does not oppose the brief 21-day delay. Defense counsel agrees to the hearings' continuances.

1	5. The continuances are not sought merely for delay, but to allow the	
2	government continuity of counsel. The defendant will not be unduly prejudiced by the brief	
3	delay. A preliminary hearing on the pending criminal complaint is currently scheduled for	
4	December 8, 2020, at 4:00 p.m. in case number 2:20-mj-00318-DJA and will not be	
5	disturbed by the requested 21-day continuance. Accordingly, the parties stipulate and agree	
6	to the hearings' 21-day continuances requested herein.	
7	6. This is the first request to continue the October 23 rd hearings.	
8	DATED this 7th day of October, 2020.	
9	Res	pectfully submitted,
10	Uni	CHOLAS A. TRUTANICH ted States Attorney
11 12	/s/Nisha Brooks-Whittington /s/I NISHA BROOKS_WHITTINGTON KIN	Kimberly M. Frayn MBERLY M. FRAYN
13		stant United States Attorney
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UNITED STATES DISTRICT COURT

1 **DISTRICT OF NEVADA** 2 3 UNITED STATES OF AMERICA, Case No.: 2:20-cr-00236-JCM-EJY 2:17-CR-190-JCM 4 Plaintiff, 5 v. Order on Stipulation to Continue Waiver of Indictment, Plea, 6 JOSUE GARCIA-RODRIGUEZ, and Sentencing Hearing and the aka JUAN PABLO MUNGIA-GARCIA, Revocation of Supervised Release 7 aka JOSUE GARCIA CHAPO, Hearing 8 Defendant. 9 10 Based on the stipulation of counsel, good cause appearing, and the best interest of 11 justice being served: 12 IT IS THEREFORE ORDERED that the Waiver of Indictment, Plea, and 13 Sentencing Hearing in 2:20-cr-00236-JCM-EJY, and the Revocation of Supervised Release 14 Hearing in 2:17-CR-190-JCM, both currently set for October 23, 2020 at 10:30 a.m. be 15 vacated and continued to 11/20/2020 at the hour of 11:00 A.M. 16 DATED this 9th day of October, 2020. 17 allus C. Mahan 18 HONORABLE JAMES C. MAHAN UNITED STATES DISTRICT COURT JUDGE 19 20 21 22

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